

LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahcoc.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JOHN V. BIANCO
JANE E. REMILLARD
FAUSTINO A. LICAUCO
DAVID A. LANE, JR.
LINDA M. CHINN
JEANNE M. DiGIORGIO
DEBRA J. MILASINCIC, Ph.D.
NICHOLAS P. TRIANO, III

TIMOTHY J. DE VOS
WILLIAM D. DeVAUL

SENIOR COUNSEL
W. HUGO LIEPMANN
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
LAWRENCE E. MONKS
WILLIAM A. SCOFIELD, JR.
PETER C. LAURO *
JOHN L. WELCH
DeANN FORAN SMITH**

* Admitted in NY only
** Admitted in MI only

PATENT AGENTS
CATHERINE J. KARA, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
REZA MOLLAAGHABABA, Ph.D.
DAVID J. RIKKERS

TECHNICAL SPECIALISTS
MARIA C. LACCOTRIPE, Ph.D.
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
JENNIFER L. ELLIOTT, Ph.D.
LAUREN C. FOSTER, D.Sc.

412 Rec'd OCT/PTO 08 JUL 1999

July 8, 1999

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/180,269
Title: *Methods and Means for Inhibition of CDK4 Activity*
Filed: November 6, 1998
Inventors: Kathryn Lindsay Ball et al.
Attorney Docket No.: CCI-007US

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

- 07/13/1999 PVOLPE 00000152 120080 09180269
01 FC:154 130.00 CH
1. Response to Notification of Missing Requirements Under 35 U.S.C. In The United States Designated/Elected Office (DO/EO/US) (in duplicate);
 2. Executed Declaration, Petition and Power of Attorney;
 3. Copy of Form PCT/DO/EO/905; and
 4. A return mailroom postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

"Express Mail" mailing label number EL095522870US

Date of Deposit July 8, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231


Signature

Nelson Barros

Nelson BARROS

Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By 
Megan E. Williams, Ph.D.
Agent for Applicants
Registration No. 43,270

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Kathryn Lindsay Ball and
David Philip Lane

Serial No.: 09/180,269 National Phase of PCT/GB97/01250

Filed: November 6, 1998

I.A. Filing Date: May 7, 1997

For: Methods And Means For Inhibition of CDK4 Activity

Attorney Docket No.: CCI-007US

Group Art Unit:

Examiner: Not Yet Assigned

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371*
dated June 21, 1999, Applicants' agent submits herewith the executed Declaration,
Petition and Power of Attorney for Patent Application for the above-identified patent
application. A copy of Form PCT/DO/EO/905 is also enclosed.

Please charge any underpayments or credit any overpayments associated with this
communication to our Deposit Account No. 12-0080. A duplicate of this letter is
enclosed.

"Express Mail" mailing label number EL095522870US

Date of Deposit July 8, 1999

I hereby certify that this paper or fee is being deposited with the United States
Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on
the date indicated above and is addressed to the Assistant Commissioner for Patents,
Box PCT, Washington, DC 20231

Nelson Barros
Signature

Nelson Barros
Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By Meg E. Williams
Megan E. Williams, Ph.D.
Agent for Applicants
Registration No. 43,270

09/10269



Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO. 09/180,269	BALL	FIRST NAMED APPLICANT K	ATTY. DOCKET CCI-0071
AMY E MANDRAGOURAS LAHIVE & COCKFIELD 28 STATE STREET BOSTON MA 02109		INTERNATIONAL APPLICATION NO. PCT/GB97/01250	
5611		I.A. FILING DATE 05/08/97	PRIORITY 05/06/21/99
DATE MAILED:			

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

William D. Williams
Telephone: (703) 305-3744

FORM PCT/DO/EO/917 (September 1996)

BEST AVAILABLE COPY

COPY

09/180269



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.

09/180,269

FIRST NAMED APPLICANT

BALL

ATTY. DOCKET NO.

K

CCI-007US

INTERNATIONAL APPLICATION NO.

PCT/GB97/01250

I.A. FILING DATE

PRIORITY DATE

05/08/97

05/08/96

DATE MAILED:

06/21/99

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☒ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☒ Other: IB 304

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed: ☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3744

